

# House Study Bill 607

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the regulation of explosives, and the  
2 possession of an incendiary or explosive device or material,  
3 and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5379DP 82  
6 jm/nh/8

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1 1 Section 1. Section 101A.1, subsection 3, Code 2007, is  
2 amended to read as follows:  
1 3 3. "Explosive" or "~~explosives~~" means any chemical  
1 4 compound, mixture or device, the primary or common purpose of  
1 5 which is to function by explosion, ~~i.e.~~, with substantially  
1 6 instantaneous release of gas and heat, unless such compound,  
1 7 mixture, or device is otherwise specifically classified by the  
1 8 United States department of transportation. The term  
1 9 "~~explosives~~" "explosive" includes all ~~material materials~~ which  
1 10 ~~is~~ are classified as a class A, class B, and class C  
~~explosives 1, division 1.1, 1.2, 1.3, or 1.4 explosive by the~~  
1 12 United States department of transportation, under 49 C.F.R. }  
1 13 173.50, and all materials classified as explosive materials  
1 14 under 18 U.S.C. } 841, and includes, but is not limited to,  
1 15 dynamite, black powder, pellet powders, initiating explosives,  
1 16 blasting caps, electric blasting caps, safety fuse, fuse  
1 17 lighters, fuse igniters, squibs, cordeau detonative fuse,  
1 18 instantaneous fuse, igniter cord, igniters, smokeless  
1 19 propellant, cartridges for propellant-actuated power devices,  
1 20 ~~and~~ cartridges for industrial guns, and overpressure devices,  
1 21 but ~~shall~~ does not include "fireworks" as defined in section  
1 22 727.2 ~~nor~~ or ammunition or small arms primers manufactured for  
1 23 use in shotguns, rifles, and pistols. Commercial explosives  
1 24 are those explosives which are intended to be used in  
1 25 commercial or industrial operations.

1 26 Sec. 2. Section 101A.1, Code 2007, is amended by adding  
1 27 the following new subsection:

1 28 NEW SUBSECTION. 7A. "Overpressure device" means any  
1 29 device constructed of a container or improvised container  
1 30 which is filled with a mixture of chemicals or sublimating  
1 31 materials or gases that generate an expanding gas, which is  
1 32 designed or constructed to cause the container to break,  
1 33 fracture, or rupture in a violent manner capable of causing  
1 34 death, serious injury, or property damage.

1 35 Sec. 3. Section 712.6, Code 2007, is amended to read as  
2 1 follows:

2 2 712.6 EXPLOSIVE OR INCENDIARY MATERIALS OR DEVICES.

2 3 1. ~~Any~~ A person who ~~shall possess~~ possesses any incendiary  
2 4 or explosive device or material with the intent to use such  
2 5 device or material to commit ~~any~~ a public offense shall be  
2 6 guilty of a class "C" felony.

2 7 2. a. A person who possesses any incendiary or explosive  
2 8 device or material shall be guilty of an aggravated  
2 9 misdemeanor.

2 10 b. This subsection does not apply to a person holding a  
2 11 valid commercial license or user's permit issued pursuant to  
2 12 chapter 101A, provided that the person is acting within the  
2 13 scope of authority granted by the license or permit.

2 14 ~~2- 3.~~ Any A person who, with the intent to intimidate,  
2 15 annoy, or alarm another person, ~~who~~ places a simulated  
2 16 explosive or simulated incendiary device in or near an  
2 17 occupied structure as defined in section 702.12, is guilty of  
2 18 a serious misdemeanor.

EXPLANATION

2 19  
2 20 This bill relates to regulation of explosives and the  
2 21 possession of an incendiary or explosive device or material.  
2 22 The bill modifies the definition of "explosive" to include  
2 23 materials which are classified as a class 1, division 1.1,  
2 24 1.2, 1.3, or 1.4 explosive by the United States department of  
2 25 transportation, under 49 C.F.R. } 173.50, and all materials  
2 26 classified as explosives under 18 U.S.C } 841. The bill  
2 27 strikes references to materials classified as class A, B, and  
2 28 C explosives.  
2 29 Under federal law explosives are divided into six divisions  
2 30 with divisions 1.1 through 1.4 being the most dangerous  
2 31 explosive materials.  
2 32 The bill also adds an "overpressure device" to the  
2 33 definition of "explosive" in Code section 101A.1. An  
2 34 "overpressure device" means any device constructed of a  
2 35 container or improvised container, which is filled with a  
3 1 mixture of chemicals or sublimating materials or gases that  
3 2 generate an expanding gas, which is designed or constructed to  
3 3 cause the container to break, fracture, or rupture in a  
3 4 violent manner capable of causing death, serious injury, or  
3 5 property damage.  
3 6 The changes to the definition of "explosive" affect the  
3 7 fire marshal's regulation of explosives under Code chapter  
3 8 101A.  
3 9 The bill also makes it an aggravated misdemeanor to possess  
3 10 any incendiary or explosive device or material unless the  
3 11 person possesses a valid license or user's permit pursuant to  
3 12 Code chapter 101A and the person is acting within the scope of  
3 13 authority granted by the license or permit. An aggravated  
3 14 misdemeanor is punishable by confinement for no more than two  
3 15 years and a fine of at least \$625 but not more than \$6,250.  
3 16 Under current law a person commits a class "C" felony if  
3 17 the person possesses an incendiary or explosive device or  
3 18 material with the intent to use such device or material to  
3 19 commit a public offense. In addition, under current law a  
3 20 person commits a serious misdemeanor if a person, with the  
3 21 intent to intimidate or annoy another person, places a  
3 22 simulated explosive or simulated incendiary explosive device  
3 23 in or near an occupied structure.  
3 24 LSB 5379DP 82  
3 25 jm/nh/8.2